



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 22, 2012

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

CERTIFIED MAIL

Marv Keller
NEPA Coordinator/IA-DECRM
Bureau of Indian Affairs
2051 Mercator Drive
Reston, VA 20191

Dear Mr. Keller:

The Environmental Protection Agency is working to review the registrations of all current-use pesticides on a 15-year cycle under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As part of our registration review program, EPA has committed to complying with the Endangered Species Act (ESA), which is administered by the US Fish and Wildlife Service (Dept. of Interior) and the National Marine Fisheries Service (Dept. of Commerce).

Your agency, as a federal land trustee, also has responsibilities under ESA. Any proposed federal action that "may affect" species listed as threatened or endangered under ESA is subject to consultation under section 7 of ESA. Moreover, the National Environmental Policy Act (NEPA) requires federal agencies to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) to consider the adverse environmental impacts of their proposed actions, including impacts to those to ESA-listed species.

Federal Agency-funded projects that approve or propose use of FIFRA-registered pesticides on federally-administered land comprise part of the "federal action" as defined under ESA and NEPA. Federal lands where pesticide use is authorized comprise part of the "action area" as defined in ESA.

We are contacting you to obtain information on actions approved or proposed by your agency regarding use of registered pesticides on federal land. Information being requested would include an Agency- or program-level CATEXs, EAs, EISs or other documents concerning federal actions of national, regional, or local scope and list the pesticides used or allowed to be used on federal land. In the absence of such material, we request any current documents that provide the same level of information. This information will allow EPA to define pesticides authorized for use on various federal lands, which therefore "may affect" ESA-listed species on those lands, and which would therefore require joint action under FIFRA and ESA.

We believe that documents generated under your NEPA obligations may provide a catalog of proposed pesticide uses to help EPA better and more narrowly define the federal action under ESA, both for the federal land in question, and for the pesticide under review.

EPA is requesting that the U.S. Bureau of Indian Affairs provide copies or a list of these documents related to authorization of pesticide use on lands under your jurisdiction to help us meet our joint obligations under ESA. Please send the information requested at your earliest convenience to William Eckel at the Office of Pesticide Programs. He can be reached by email at eckel.william@epa.gov or by telephone at (703) 305-6451.

Thank you for your prompt attention to this matter. We would like to receive your response by May 1, 2012 if possible. Do not hesitate to contact Bill if you have any questions about this request.

Sincerely,



Robert McNally
Director
Field and External Affairs Division

cc: Paul Souza, USFWS
Helen Golde, NOAA Fisheries Service
Donald Brady, EPA
Richard Keigwin, EPA